

THE IOWA STATE BAR ASSOCIATION
Official Form No. 303

James P. McGuire

FOR THE LEGAL EFFECT OF THE USE OF
THIS FORM, CONSULT YOUR LAWYER

THE IOWA DISTRICT COURT

GUTHRIE COUNTY

Jonathan Miller

Plaintiff(s),

VS.

General Motors Corporation, Motors Liquidation
Company, General Motors Company, General
Motors Company, LLC, and General Motors, LLC

Defendant(s).

LAW ☒EQUITY ☐No. CV081555

DATE PETITION FILED: _____

ORIGINAL NOTICE

TO THE ABOVE-NAMED DEFENDANT(S):

You are notified that a petition has been filed in the office of the clerk of this court naming you as the defendant(s) in this action. A copy of the petition (and any documents filed with it) is attached to this notice.

The name(s) and address(es) of the attorney(s) for the plaintiff(s) (is) (are)

James P. McGuire, McGuire Law, P.L.C., 101 South Delaware Avenue, Mason City, Iowa 50401The attorney's(s') phone number(s) (is) (are) 641-424-1614facsimile number(s) 641-424-1568

You must serve a motion or answer within 60 days following the filing of this notice with the secretary of state of the State of Iowa, and within a reasonable time thereafter file your motion or answer with the Clerk of Court for Guthrie County, at the county courthouse in Guthrie Center, Iowa. If you do not, judgment by default may be rendered against you for the relief demanded in the petition.

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at (515) 286-3394. (If you are

hearing impaired, call Relay Iowa TTY at 1-800-735-2942.)
(SEAL)

CLERK OF COURTGuthrie County CourthouseGuthrie Center, Iowa 50115

IMPORTANT: YOU ARE ADVISED TO SEEK LEGAL ADVICE AT ONCE TO PROTECT YOUR INTERESTS

IN THE IOWA DISTRICT COURT FOR GUTHRIE COUNTY

JONATHAN MILLER (DOB: 9/8/86),

Plaintiff,

vs.

**GENERAL MOTORS CORPORATION,
MOTORS LIQUIDATION COMPANY,
GENERAL MOTORS COMPANY, GEN-
ERAL MOTORS COMPANY, LLC, and
GENERAL MOTORS, LLC**

Defendants.

LAW NO. CV081555

**PETITION AT LAW AND DEMAND
FOR JURY TRIAL**

COMES NOW Plaintiff, JONATHAN MILLER, and for cause of action against the Defendants, GENERAL MOTORS CORPORATION, MOTORS LIQUIDATION COMPANY, GENERAL MOTORS COMPANY, GENERAL MOTORS COMPANY, LLC, and GENERAL MOTORS, LLC, states:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff, JONATHAN MILLER was at the time of the accident, a resident of Anita, Iowa.
2. The Defendants are corporations organized and existing under the laws of the State of Delaware and at all times material hereto doing business in the State of Iowa.
3. Venue is proper in this Court since the accident occurred on 3501 Street in Guthrie County, Iowa.

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Plaintiff's Petition at Law and Jury Demand

4. That on or about September 8, 2009, the Plaintiff, was a passenger in a 1996 Chevrolet Cavalier designed, manufactured and sold by Defendants when the vehicle rolled over causing the roof to crush resulting in serious injuries to Plaintiff.

COUNT I

NEGLIGENCE

COMES NOW Plaintiff, JONATHAN MILLER, and for cause of action against the Defendants, GENERAL MOTORS CORPORATION, MOTORS LIQUIDATION COMPANY, GENERAL MOTORS COMPANY, GENERAL MOTORS COMPANY, LLC, and GENERAL MOTORS, LLC, states as follows:

5. Plaintiff repleads and incorporates by reference paragraphs 1 through 4 above as if fully set forth herein.
6. That at all times material hereto, the Defendants designed, manufactured, distributed, and foreseeably and ultimately placed in the stream of commerce for sale to the general public to be used in the State of Iowa, the 1996 Chevrolet Cavalier in which the Plaintiff was seriously injured in a rollover accident when the roof was so weak that it buckled and crushed over the right front of the passenger compartment where the plaintiff was seated wearing his seat belt.

7. The roof crush caused a vertical-axis loading downward through the Plaintiff's head onto his cervical spine causing multiple cervical fractures that rendered Plaintiff a quadriplegic.
8. The Defendants were negligent as follows:
 - a. In failing to design and manufacture a 1996 Chevrolet Cavalier that would not have a high likelihood of rolling over.
 - b. In failing to design and manufacture a 1996 Chevrolet Cavalier with a roof structure that would be reasonably safe to its passengers in the event of a rollover accident.
 - c. In failing to provide adequate and reasonable warnings about the risk of serious injury or death in the event of a rollover accident.
9. That the negligence of the Defendants was a proximate cause of the injuries and resulting damages and losses incurred by the Plaintiff, JONATHAN MILLER.
10. That as a proximate cause of the negligence of the Defendants the Plaintiff, JONATHAN MILLER, was injured and seeks compensation for the following elements of loss:
 - a. Past medical expense;
 - b. Future medical expense;
 - c. Loss of full mind and body—Past;
 - d. Loss of full mind and body—Future;

- e. Past physical and mental pain and suffering including loss of enjoyment of life;
- f. Future physical and mental pain and suffering including loss of enjoyment of life;
- g. Loss of income and loss of future earning capacity.

WHEREFORE, Plaintiff, JONATHAN MILLER, prays for judgment against Defendants, GENERAL MOTORS CORPORATION, MOTORS LIQUIDATION COMPANY, GENERAL MOTORS COMPANY, GENERAL MOTORS COMPANY, LLC, and GENERAL MOTORS, LLC, for damages in a reasonable and proper amount in excess of the jurisdictional limits, plus interest as allowed by law, for the costs of this action, and for such other and further relief as is just and equitable in the premises.

COUNT II

STRICT LIABILITY

COMES NOW Plaintiff, JONATHAN MILLER, and for cause of action against the Defendants, GENERAL MOTORS CORPORATION, MOTORS LIQUIDATION COMPANY, GENERAL MOTORS COMPANY, GENERAL MOTORS COMPANY, LLC, and GENERAL MOTORS, LLC, states as follows:

- 11. Plaintiff repleads and incorporates by reference paragraphs 1 through 10 above as if fully set forth herein.
- 12. At all times material, the Defendants were engaged in the business of designing, manufacturing and selling the Chevrolet Cavalier automobile and

specifically the 1996 Chevrolet Cavalier, serial number 1G1JF12T5T7256378 that was placed into the stream of commerce in the ordinary course of its business for sale to ultimate consumers in the State of Iowa.

13. The said 1996 Chevrolet Cavalier described above was the vehicle that the Plaintiff, JONATHAN MILLER, occupied as a front seat passenger when he was seriously injured in a rollover accident on September 8, 2009.
14. The said 1996 Chevrolet Cavalier was in a defective condition at the time it left the Defendant's control in one or more of the following ways:
 - a. The said 1996 Chevrolet Cavalier was improperly designed and manufactured in such a way that it was highly probable that the vehicle would rollover and cause death or serious injuries.
 - b. The said 1996 Chevrolet Cavalier was improperly designed and manufactured with a roof structure that was weak and likely to crush down on its passengers in the event of a rollover accident in such a way that it was unreasonably dangerous if the vehicle rolled over.
 - c. The said 1996 Chevrolet Cavalier did not have adequate warnings in a conspicuous place informing the passengers and the general public of the danger and risk of death or serious injury if the vehicle rolled over.
15. The defective condition was unreasonably dangerous to the Plaintiff, JONATHAN MILLER.
16. The said vehicle was used in a manner reasonably foreseeable by the Defendants.

17. The said vehicle was expected to and did reach the Plaintiff without substantial change in its condition.
18. The defects were not contemplated or known by the Plaintiff, JONATHAN MILLER.
19. That as a result of the defective condition of the said Chevrolet Cavalier, the Plaintiff, JONATHAN MILLER was severely and permanently injured.
20. That the Plaintiff, JONATHAN MILLER seeks compensation for the following elements of loss:
 - a. Past medical expense;
 - b. Future medical expense;
 - c. Loss of full mind and body—Past;
 - d. Loss of full mind and body—Future;
 - e. Past physical and mental pain and suffering including loss of enjoyment of life;
 - f. Future physical and mental pain and suffering including loss of enjoyment of life;
 - g. Loss of income and loss of future earning capacity.

WHEREFORE, Plaintiff, JONATHAN MILLER, prays for judgment against Defendants, GENERAL MOTORS CORPORATION, MOTORS LIQUIDATION COMPANY, GENERAL MOTORS COMPANY, GENERAL MOTORS COMPANY, LLC, and GENERAL MOTORS, LLC, for damages in a reasonable and proper amount in excess of the

jurisdictional limits, plus interest as allowed by law, for the costs of this action, and for such other and further relief as is just and equitable in the premises.

COUNT III

PUNITIVE DAMAGES

COMES NOW Plaintiff, JONATHAN MILLER, and for cause of action against the Defendants, GENERAL MOTORS CORPORATION, MOTORS LIQUIDATION COMPANY, GENERAL MOTORS COMPANY, GENERAL MOTORS COMPANY, LLC, and GENERAL MOTORS, LLC, states as follows:

21. That Plaintiff repleads paragraphs 1 through 20 as though fully set forth herein.
22. That the actions of the Defendants herein were done in wilful and wanton disregard for the safety of the Plaintiff, JONATHAN MILLER.
23. That the Defendants knew or should have known that their conduct would unreasonably expose Plaintiff, JONATHAN MILLER to probable death or serious harm.

WHEREFORE, Plaintiff prays that punitive damages be awarded in addition to compensatory damages.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demands a jury trial on all issues set forth in the Petition at Law pursuant to Iowa Rule of Civil Procedure 1.902 and 1.903.

<i>Miller v. General Motors Corporation, et al.</i>	<i>Plaintiff's Petition at Law and Jury Demand</i>
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By:



James P. McGuire 07103

ATTORNEYS FOR PLAINTIFFS

Original filed.

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Plaintiff's Petition at Law and Jury Demand